

REMARKS

This Reply is responsive to the non-final Office Action¹ dated November 26, 2010. Claims 1, 3, 5-10, 13-18, 22-32, 34 and 36-55 were presented for examination and were rejected. Claims 10, 13-18, 22-32, 34, 36, 38 and 45 are canceled without prejudice or disclaimer, wherefore rejections of these claims are moot and should be withdrawn. Claims 2, 4, 11, 12, 19-21, 33 and 35 were previously canceled. Claims 1, 37, 39, 40, 44, 46, 47, 51, 52 and 55 are amended. New claims 56-61 are added. No new matter is added; support for the claim amendments and for the new claims is found in the application as filed; *see* at least paragraphs [0036] - [0042] and Figs. 5A/B. Claims 1, 3, 5-9, 37, 39-44 and 46-61 are pending of which claims 1, 37, 44, 51, 52, 55, 56, 58 and 60 are in independent form.

The Rejections:

Claims 1, 3, 5, 9, 28, 30-32, 37, 43, 44 and 50-55 are rejected under 35 U.S.C. §103(a) as being un-patentable over Farris et al., U.S. Patent No. 5,751,789 (referred to hereinafter as "Farris") in view of Gerszberg et al., U.S. Patent No. 6,714,534 (referred to hereinafter as "Gerszberg").

Claims 6, 41 and 48 are rejected under 35 U.S.C. §103(a) as being un-patentable over Farris in views of Gerszberg and well known Prior Art (MPEP 2144.05).

¹ The Office Action may contain a number of statements characterizing the cited references and/or the claims which Applicant may not expressly identify herein. Regardless of whether or not any such statement is identified herein, Applicant does not automatically subscribe to, or acquiesce in, any such statement. Further, silence with regard to rejection of a dependent claim, when such claim depends, directly or indirectly, from an independent claim which Applicant deems allowable for reasons provided herein, is not acquiescence to such rejection of that dependent claim, but is recognition by Applicant that such previously lodged rejection is moot based on remarks and/or amendments presented herein relative to that independent claim.

Claim 7 is rejected under 35 U.S.C. §103(a) as being un-patentable over Farris in view of Gerszberg, and Ehreth U.S. Patent No. 6,246,750 B1 (referred to hereinafter as “Ehreth”).

Claims 8, 42 and 49 are rejected under 35 U.S.C. §103(a) as being un-patentable over Farris in views of Gerszberg and McKenna et al. U.S. Patent No. 6,829,486 B2 (referred to hereinafter as “McKenna”).

Claims 10, 17, 18 and 23-26 are rejected under 35 U.S.C. §103(a) as being un-patentable over Cardina et al., U.S. 2004/0214569 A1 (referred to hereinafter as “Cardina”) in view of Gerszberg.

Claims 14-16 are rejected under 35 U.S.C. §103(a) as being un-patentable over Cardina in views of Gerszberg and Sawada, U.S. 2005/0148315 A1 (referred to hereinafter as “Sawada”).

Claim 27 is rejected under 35 U.S.C. §103(a) as being un-patentable over Cardina in views of Gerszberg and McKenna.

Claim 29 is rejected under 35 U.S.C. §103(a) as being un-patentable over Farris in views of Gerszberg and Patron et al., (U.S. 2005/0063333 A1) (referred to hereinafter as “Patron”).

Claims 13 and 22 are rejected under 35 U.S.C. §103(a) as being un-patentable over Cardina in views of Gerszberg and further in view of well known prior art (MPEP 2144.05).

Claim 34 is rejected under 35 U.S.C. §103(a) as being un-patentable over Knight in view of Gerszberg.

Claim 36 is rejected under 35 U.S.C. §103(a) as being un-patentable over Farris in views of Gerszberg and Cheng et al., U.S. 2002/0187746 (referred to hereinafter as “Cheng”).

Applicant respectfully traverses these rejections.

PENDING CLAIMS ARE ALLOWABLE

Claims 38-40 and 45-47, in accordance with the Office Action, pg 29, are objected to but would be allowable if re-written in independent form including all of the limitations of their respective base claims and any intervening claims. Without acquiescing in any of the Office Action’s positions with respect to the rejections of, and/or objections to, the previously-pending claims, Applicant agrees that claims 38-40 and 45-47 are allowable. Applicant has taken the following action and made the following amendments to advance the prosecution of this application.

Applicant, by way of this instant amendment, has included all limitations recited in allowable dependent claim 38 in its base claim 37 thereby making currently-amended claim 37 allowable. Dependent claims 39-43, dependent from claim 37, are likewise allowable.

Applicant, by way of this instant amendment, has included all limitations recited in allowable dependent claim 45 in its base claim 44 thereby making currently-amended claim 44 allowable. Dependent claims 46-50, dependent from claim 44, are likewise allowable.

Applicant has amended independent claim 1 to include all limitations recited in allowable dependent claim 38 thereby making currently-amended claim 1 allowable. Dependent claims 3 and 5-9, dependent from claim 1, are likewise allowable.

Applicant has amended independent claim 51 to include all limitations recited in allowable dependent claim 38 thereby making currently-amended claim 51 allowable.

Applicant has amended independent claim 52 to include all limitations recited in allowable dependent claim 38 thereby making currently-amended claim 52 allowable.

Dependent claims 53 and 54, dependent from claim 52, are likewise allowable.

Applicant has amended independent claim 55 to include all limitations recited in allowable dependent claim 38 thereby making currently-amended claim 55 allowable.

New independent claim 56 recites a method, new independent claim 58 recites a system and new independent claim 60 recites apparatus, each of which reads on Applicant's Fig. 5A/B flowcharts and includes the substance of the allowable limitations of claim 38. Applicant respectfully submits that these claims are likewise allowable. Dependent claims 57, 59 and 61, which are dependent from claims 56, 58 and 60 respectively, are likewise allowable.

Applicant expressly reserves its rights to pursue additional patent coverage by way of filing continuing applications.

CONCLUSION

Reconsideration and allowance of the pending claims are respectfully requested. It is respectfully submitted that all claims and, therefore, this application are in condition for allowance and prompt passage to issue is respectfully requested.²

To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to deposit account number 07-2347. Please charge any other fees due, or credit any overpayment made to that account.

Respectfully submitted,

Date: **February 28, 2011**

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² As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions/requirements in the future.